

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)

www.burlingtonvt.gov/pz

*A Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Emily Lee
Harris Roen
Jennifer Wallace-Brodeur
Vacant
vacant, Youth Member*



Burlington Planning Commission Meeting Minutes Tuesday, August 9, 2016 - 6:30-8:30 P.M. Conference Room 12, City Hall

Present: Y Bradley, E Lee, A Montroll, J Wallace-Brodeur, H Roen
Absent: B Baker
Staff: M Tuttle, E Tillotson, Scott Gustin

I. Agenda

No changes

II. Public Forum

Margaret Murray: Why are minutes not taken at meetings and why are meetings not recorded? Does the public normally come, how often does someone speak? This group is in hot water because nothing is recorded. This is not the stone age, taxpayers have paid for recording devices which should be available already.

Y Bradley: All Planning Commission meets are recorded and audio files are available. Minutes are also taken.

Bob Butani: Supports staff recommendation for rezoning Fletcher Place as presented. Authorized by other neighbors to voice their support for the recommendation.

Bill Hickok: Concurs with neighbors regarding using the existing property lines for the rezoning.

Michael Long: Regarding ZA 16-11, reiterates that we need better enforcement of zoning laws, not amnesty for violators.

III. Annual Organizational Meeting

The Planning Commission unanimously approved a motion by Y Bradley, seconded by J Wallace-Brodeur, to appoint A Montroll as Chair.

H Roen: Thank you Y Bradley for your hard work.

J Wallace-Brodeur: Have accomplished a lot, with excellent meetings and leadership which has been greatly appreciated.

A Montroll: Echo these words; meetings have been timely, thorough, and for the betterment of community. The Commission unanimously approved a motion by H Roen, seconded by E Lee, to appoint B Baker as Vice Chair.

The Commission unanimously approved a motion by A Montroll, seconded by J Wallace-Brodeur, to appoint Y Bradley to the Executive Committee.

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The Commission unanimously approved a motion by J Wallace-Brodeur, seconded by H Roen, to appoint E Tillotson as Commission Clerk.

The Commission unanimously approved a motion by H Roen, seconded by A Montroll, to appoint E Lee, H Roen, J Wallace Brodeur, AJ LaRosa (DRB) and Damon Lane (CB) to the Long Range Planning Committee.

The Commission unanimously approved a motion by J Wallace-Brodeur, seconded by A Montroll, to appoint A Montroll, B Baker, Phil Hammerslough (DAB), and Wayne Senville (DRB) to the Ordinance Committee with the Planning Commission appointee replacing L Buffinton to fill the remaining spot.

IV. Report of the Chair

A Montroll: A resounding thank you to Yves Bradley for his invaluable service. And thank you to the members of the Planning Commission.

V. Report of the Director

M Tuttle: Director is on vacation, returning tomorrow. Providing a lot of support to the City Council ordinance committee review of the proposed DMUC. Council review will begin next Monday. Model has arrived, will be available in Fletcher Free Library.

E Lee: What changes came out of the Ordinance Committee work?

M Tuttle: Technical changes to ordinance language, which they recommend that City Council accept as a package. There will also be a list of items for the City Council to discuss, which will likely result in some additional changes to language. Council will be taking action to create changes.

VI. Appointment of Assistant Administrative Officer

S Gustin: D White is our ex-officio zoning officer. He delegates authority to staff in Planning & Zoning and the Code Enforcement Departments. This makes T Miles an enforcement officer.

On a motion by Y Bradley, seconded by H Roen, the Commission unanimously approved the appointment of Ted Miles.

VII. Municipal Bylaw Amendment Reports: ZA-16-11 and ZA-16-12

M Tuttle: On advice of City Attorney's office, will be asking Planning Commission to approve Municipal Bylaw Amendment reports prior to warning a public hearing. Public Hearings for ZA 16-11 & 16-12 were canceled by PC in July; need to reschedule, in order to do so, these reports need to be approved and will be included in the public hearing package.

J Wallace-Brodeur: The reports are meant to be overview of the amendment presented in general language?

M Tuttle: They serve a legal role to establish the purpose of the amendment and consistency with plans, but have the benefit of being written in more general language.

H Roen: In future, make sure to include the ordinance with the reports for context. The second paragraph, second to last sentence, inappropriate punctuation mark.

On a motion by J Wallace-Brodeur, seconded by H Roen, the Commission unanimously approved the reports for ZA-16-11 and ZA-16-12

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VIII. Municipal Bylaw Amendment Report: ZA-16-06

M Tuttle: The Commission forwarded the amendment with a recommendation that the City Council subject doggie daycares to licensure. City Council Ordinance Committee has removed the licensure requirement and sent the amendment back to Commission to review and revise the report.

A Montroll: What is role of the Planning Commission in receiving this?

M Tuttle: If the City Council Ordinance Committee makes a change, the proposed amendment comes back to the Commission. Committee has not provided any specific direction to the Commission, so staff recommendation is to acknowledge change and approve a report that reflects the change.

On a motion by Y Bradley, seconded by E Lee, the Commission unanimously approved the revised report.

IX. Proposed CDO Amendment: Off-Site Parking

S Gustin: Amendment includes two components. One spells out parameters relative to off-site parking.

Paragraph 3 contains an item that if off-site parking is provided to meet parking requirements there must be a lease or legal agreement. Second component is sharing of existing parking facilities. Commercial properties aren't often used after hours. This amendment spells out after hours spaces available, enables shared use. It requires approval by the DRB and is consistent with the downtown parking policy.

A Montroll: The Ordinance Committee worked on this, tried to move toward shared parking. Next steps?

S Gustin: If Commission is comfortable, we can prepare the Bylaw Report so you can warn for public hearing.

A Montroll: Please provide the report.

M Tuttle: We can put this on the next Commission agenda.

X. Proposed CDO Amendment: Family Daycare Exemptions & Preschools in Appendix A

S Gustin: Two components. First is clearing up existing provisions for day cares, clarifies language to reflect the state statute, by-right use within single family home. Second is to add preschool, which is defined in our ordinance, to the use table. These are addressed largely the same as day cares, large and small preschool mirror large and small daycare in use table.

H Roen: The bottom of page 13 references a numeric limit, or not more than two families.

S Gustin: Means that there can be a number of unrelated children, or an unrestricted number of children if they are from two families plus the operator's children.

A Montroll: Prepare the Bylaw Report for the next meeting so this can be warned for a public hearing.

XI. Proposed CDO Amendment: Cafes accessory to Micro-Brewery/Winery

M Tuttle: This is a request for the Commission to consider a zoning amendment.

Justin Heilenbech: Citizen Cider received notice from Code Enforcement that their business is in violation of provisions regarding accessory cafe use to a brewery. There doesn't appear to be a clear solution, competing regulations are at play. Zoning doesn't allow for free standing café, but state alcohol permits require food of substance to be served. Need way to address accessory use issue. Additionally, as a cidery, struggle to be

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acknowledged, because not a winery or brewery. Request a new category for craft beverages with a strong relationship to state regulations.

H Roen: It seems to make a lot of sense, don't see a problem.

Y Bradley: It's beneficial for the whole community.

S Gustin: Cafés are allowed as a conditional use in ELM zone, and microbreweries are permitted, but cafes couldn't be accessory to microbreweries. Believe it is related to a time when café's weren't permitted. Seems to be a good idea to allow accessory use. Other issue is defining craft beverage operation.

H Roen: How would that be defined?

S Gustin: Defined by production.

J Heilenbech: Typically craft brewery production is way larger than we are.

A Montroll: This will need a definition and an addition to the use table. Ask staff to develop amendment for Commission to consider. If it is simple, handle this at the Commission level; if complex, can send to Ordinance Committee.

E Lee: Is there a time constraint?

J Heilenbech: No, Code Enforcement will wait to enforce while the Planning Commission deals with this.

E Lee: Do we want to split up the use table from the definition of craft beverage?

A Montroll: Let's ask S Gustin to present both to the Commission and determine route.

XII. Proposed CDO Amendment: Withhold Permit

S Gustin: This amendment was received from the Ordinance Committee relating to closing out of permits. If someone comes to Planning & Zoning with a new permit application, this proposes that permits pertaining to that property should be resolved before any new permits are issued. Presently, should be narrowly defined. If enacted and successful, it is possible to expand the requirement to other properties under the same ownership.

H Roen: Applicants do not have to meet this requirement already?

E Lee: Seems reasonable. What about scenarios in which an applicant is undergoing a complicated repair and a permit expires? They can apply for an extension and be ok?

Y Bradley: The second paragraph addresses that issue.

J Wallace-Brodeur: Disappointed that it is not broader, but understand the intent is to test this. Have we had guidance from the city attorney?

S Gustin: Legal issues arise when this applies to non-zoning issues, so advised to stick to zoning permits.

A Montroll: Prepare the Bylaw Report for the next meeting so this can be warned for a public hearing.

XIII. Minutes & Communications

M Tuttle: The packet includes minutes from April 26 through July 19th.

On a motion by H Roen, seconded by J Wallace-Brodeur, the Commission unanimously approved the minutes.

M Tuttle: There is one communication from NOFA Vermont concerning communities and farm based operations.

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On a motion by J Wallace-Brodeur, seconded by H Roen, the Commission unanimously approved acceptance of the communication.

XIV. Adjourn

On a motion by Y Bradley, seconded by E Lee and unanimously approved by the Commission, the meeting adjourned at 7:27 pm.



A Montroll, Chair

Signed: 08.24.2016



Elsie Tillotson, Recording Secretary